

AMENDMENT TRANSMITTAL LETTER (Small Entity)

Applicant(s): MELTZER, et al.

Docket No.
48913-C (70207)Serial No.
09/975,586Filing Date
10.11.02Examiner
C. AULAKHGroup Art Unit
1625

Invention: BOAT TROPANES

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.

A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	6 -	20 =	0	x \$9.00	\$0.00
INDEP. CLAIMS	1 -	3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				
	TOTAL ADDITIONAL FEE FOR THIS AMENDMENT				
	\$0.00				

No additional fee is required for amendment.

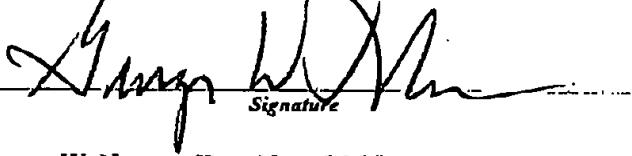
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Any additional filing fees required under 37 C.F.R. 1.16.

Any patent application processing fees under 37 CFR 1.17.



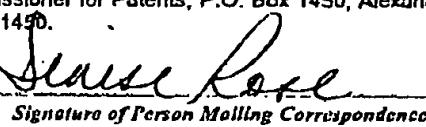
George W. Neuner (Reg. No. 26,964)
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P11SMALL/REV06

Docket No. 70207/48,913-C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL**APPLICANT:** Peter C. Meltzer, et al.**SERIAL NO.** 09/975,586**EXAMINER:** C. Aulakh**FILED:** October 11, 2002**GROUP:** 1625**FOR:** BOAT TROPANES**RECEIVED
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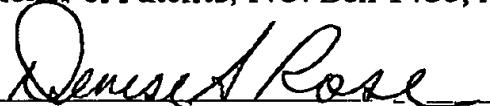
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Sir:

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Denise A. Rose

REQUEST FOR RECONSIDERATION

In the office action dated January 22, 2003, claims 22-27 are pending and stand rejected. Applicants respectfully request reconsideration for at least the following discussion.

Claims 22-27 are rejected under 35 U.S.C. 103(a) over Clarke et al. (U.S. Patent No. 3,813,404). However, Clarke teaches only 3-beta isomers of tropane-2-carboxylates. It is respectfully submitted that the presently claimed 3-alpha tropanes would not have been obvious to one of ordinary skill in the art in view of Clarke.

Clarke *fails* to teach or suggest the presently claimed 3-alpha tropanes because the presently claimed 3-alpha compounds cannot be prepared by using the Grignard

USSN 09/975,586

Meltzer, et al.

Page 2

reactions used by Clarke. One of ordinary skill in the art would not have known how to make 3-alpha tropanes.

The present inventors have considerable expertise in connection with the preparation and use of synthetic tropanes. Yet, it was not obvious to them that they should try to prepare the 3-alpha boat tropanes. The 3-alpha cocaine analogs are less potent than the 3-beta analogs. Thus, it is counterintuitive to focus on the 3-alpha tropanes. Only after they had prepared the boat tropanes through a new synthesis route did they unexpectedly discover that the 3-alpha tropanes were more DAT selective than the corresponding chair (3-beta) compounds. They were quite surprised at the potency and selectivity of the 3-alpha tropanes.

Thus, it is not seen how the present invention would have been obvious to one of ordinary skill in the art from the teachings of Clarke.

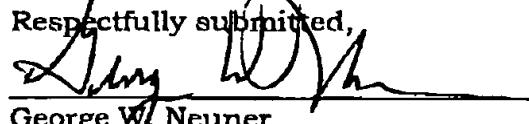
The Declaration of Dr. Peter C. Meltzer is submitted in support of the arguments made herein.

In view of the Declaration of Dr. Meltzer and the arguments above, it is respectfully submitted that the present application is now in condition for allowance. An early reconsideration and notice of allowance are earnestly solicited.

Date:

22-July-03

Respectfully submitted,


George W. Neuner
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Attached is a copy of the response previously mailed on July 22, 2003 for USSN 09/975,586.
(our Ref. No.: 48913-C(70207).